

IN RE: PETITION FOR ZONING VARIANCE
515 Allegheny Ave. 450 ft. W of
Highland Ave., at the intersec.
of Towson Y.M.C.A. entry drive
515 Allegheny Avenue
9th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-286-A

Matilda F. Pugsley, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of the subject property of 60 ft. and a sum of the side yards of 30 ft., in lieu of the required 90 ft. and 40 ft. respectively for a two apartment residence in a D.R.3.5 zone.

Although not set forth within the Petition, the property owners also require another variance from Section 402.1 of the B.C.Z.R. That regulation requires that each individual side yard be 20 ft. in width. The property's side yards are 15 ft. in width and the petition will, therefore, be amended to include that relief as well. The property and improvements thereon are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for a Zoning Variance.

The property owners, Matilda F. Pugsley and Beverly Pugsley appeared and testified. Also appearing in support of the Petition was Mary Elizabeth Ginn, who lives in the surrounding community. It is also to be noted that my office has received a letter indicating that the West Towson Neighborhood Association has no objection to the requested variance. There were no Protestants at the hearing.

Evidence and testimony elicited was that the subject property is .32 acres in size and is zoned D.R.3.5. It is known as 515 Allegheny Avenue and is located in Towson. The property is immediately adjacent to the entrance of the well known Y.M.C.A. facility.

The Petitioners testified that they have resided in the adjacent property, known as 513 Allegheny Avenue for many years. That property is a single family dwelling. They testified that the subject parcel has been an eyesore for the community for many years. It has been in need of repairs and was considered as a blemish in this, otherwise, neatly kept residential community.

Recently, the subject parcel (515 Allegheny Avenue) came on the market and the Petitioners purchased same. They have now owned the property for approximately one year. Within that time, they have extensively renovated the property and discovered that the above referenced variances are required. Thus the subject Petition has been filed.

It is to be noted that the existing two family characteristic of this dwelling has been in existence for several years. Each apartment has its own access by way of a deck to the rear of the dwelling. Further, although not rented now, the Petitioners intend on renting the parcel once their renovations are completed. As importantly, all of the renovations are internal and the structure has existed in its present external configuration for approximately 80 years.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject

variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Particularly, the dwelling or the property has existed in its present configuration for many years and could not be altered to comply with the strict requirements of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of March, 1992 that the Petition for a Zoning Variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of the subject property of 60 ft. in lieu of 90 ft., and each individual side yard be 20 ft. in width in lieu of 15 ft. each, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/mnn
att.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 19, 1992

Ms. Matilda F. Pugsley
Ms. Beverly Pugsley
513 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 92-286-A
Petition for Zoning Variance

Dear Ms. Pugsley:

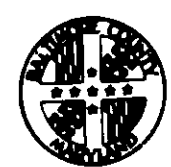
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn
att.



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of the subject property of 60 ft. and a sum of the side yards of 30 ft., in lieu of the required 90 ft. and 40 ft. respectively for a two apartment residence in a D.R.3.5 zone.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The hardship lies in the fact that the frontage of the property in question is only 60 ft. instead of the desired 90 ft. Also the space on each side of the dwelling is 15 ft. instead of 20 ft.

The practical difficulty is that the structure cannot be altered to meet the requirements.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Matilda F. Pugsley

(Type or Print Name)

Signature

Beverly Pugsley

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Name

Address

City and State

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING (-1/2HR. - +1HR.)

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE

302

The hardship lies in the fact that the frontage of the property in question is only 60 ft. instead of the desired 90 ft.

Also the space on each side of the dwelling is 15 ft. instead of 20 ft.

The practical difficulty is that the structure cannot be altered to meet the requirements.

302

The Description

92-286-A

Beginning at a point on the south side of Allegheny Avenue which is 50 ft. wide at the distance of 450 ft. west of Highland Avenue which is 50 ft. wide.

Being Lot 47C, Block 7, Section 84, as recorded in Baltimore County Plat Book 8735, Folio 0693, containing 14,340 square feet. Also known as 515 Allegheny Avenue and located in the 9th Election District.

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 100 of the County Office Building, located at 111 W. Calverton Avenue in Towson, Maryland 21204, on March 18, 1992 at 5:00 p.m.
Variance: to allow width of front yard of 60 feet and sum of side yards of 30 feet in lieu of the required 90 feet and 40 feet for a two apartment residence.
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
TJ2280 February 12

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/14/1992

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13/1992

TOWSON TIMES,

S. Zabe Orlean
Publisher

\$ 94.70

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, Maryland, is hereby giving notice that a public hearing will be held on the property located at 111 West Chesapeake Avenue, Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-286-A
S/S Allegheny Avenue, 450' W of Highland Avenue at the intersection of 9th Election District - 4th Councilmanic District
Petitioner(s): Matilda F. Pugsley and Beverly Pugsley
Hearing Date: Monday, March 16, 1992 at 9:00 a.m.

Variance: to allow width of front yard of 60 feet and sum of side yards of 30 feet in lieu of the required 90 feet and 40 feet for a two apartment residence.

LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
TUESDAY, February 13, 1992

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/14/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13/92.

THE JEFFERSONIAN,

S. Zeke Orban
Publisher

\$44.70



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

1/23/92

Account: R-001-6150
Number

H9200302

PUBLIC HEARING FEES

QTY

PRICE

010 - ZONING VARIANCE (1RL)

1 X

\$35.00

TOTAL: \$35.00

LAST NAME OF OWNER: PUGSLEY

PAID 1-15-92 PER ATTACHED HAND-WRITTEN RECEIPT

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126173

DATE: 1-15-92 ACCOUNT: R-001-6150

AMOUNT: \$35.00

RECEIVED FROM: Beverly Pugsley

FOR: APPLICATION FEE - RES. VARIANCE

DATE: 04-04-9002240366 \$35.00

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

92-286

Account: R 001-6150
Number:

Cashier Validation

Please Make Checks Payable To: Baltimore County \$129.70

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2/25/92

Matilda and Beverly Pugsley
513 Allegheny Avenue
Towson, Maryland 21204

RE:

CASE NUMBER: 92-286-A
S/S Allegheny Avenue, 450' W of Highland Avenue at the intersection of Towson Y.M.C.A. entry drive
S/S Allegheny Avenue
9th Election District - 4th Councilmanic District
Petitioner(s): Matilda F. Pugsley and Beverly Pugsley

Dear Petitioner(s):

Please be advised that \$119.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-286-A
S/S Allegheny Avenue, 450' W of Highland Avenue at the intersection of Towson Y.M.C.A. entry drive
S/S Allegheny Avenue
9th Election District - 4th Councilmanic District
Petitioner(s): Matilda F. Pugsley and Beverly Pugsley
HEARING: MONDAY, MARCH 16, 1992 at 9:00 a.m.

Variance to allow width of front yard of 60 feet and sum of side yards of 30 feet in lieu of the required 90 feet and 40 feet for a two apartment residence.

LAWRENCE E. SCHMIDT

Zoning Commissioner of
Baltimore County

cc: Matilda and Beverly Pugsley

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

February 25, 1992

(410) 887-3353

Ms. Matilda F. Pugsley
513 Allegheny Avenue
Towson, MD 21204

RE: Item No. 302, Case No. 92-286-A
Petitioner: Matilda F. Pugsley, et al
Petition for Variance

Dear Ms. Pugsley:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: February 25, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

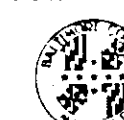
Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 31st day of January, 1992.

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Matilda F. Pugsley, et al

Petitioner's Attorney:

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and
Development Management

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Pugsley Property, Item No. 302

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn
ITM302/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 20, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Robert J. Famili
Traffic Engineer II

SUBJECT: W.A.C. Comments

W.A.C. MEETING DATE: February 4, 1992

This office has no comments for item numbers 298, 299, 300, 301, 302 and 303.

Robert J. Famili
Robert J. Famili
Traffic Engineer II

REVIEWED

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 31, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MATILDA F. PUGSLEY AND BEVERLY PUGSLEY

Location: #513 ALLEGHENY AVENUE

Item No.: 302 Zoning Agenda: FEBRUARY 4, 1992

Certification:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1990 edition prior to occupancy.

REVIEWER: *Just David* Noted and Approved
Planning Division Fire Prevention Bureau
Special Inspection Division

JP/REF

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: January 29, 1992

RE: Zoning Advisory Comments for Meeting of February 4, 1992

This office has no comment for items 298, 299, 300, 301, 302, 303 and 304.

RECEIVED
JAN 30 1992
ZONING OFFICE

92-286-A 16

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 4, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 299, 300, 301, 302 and 303.

For Item 304, this site must be submitted for review and comments under the minor subdivision process.

For Item 298, a County Review Group Meeting will be required.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

James J. ... 513 Allegany Ave. Towson, Md 21204
Matilda F. Pugsley 513 Allegany Ave. Towson, Md 21204
Beverly Pugsley 513 Allegany Ave. Towson, Md 21204

WEST TOWSON NEIGHBORHOOD ASSOCIATION
P.O. BOX 5580
TOWSON, MARYLAND 21285-5580

O-887-6194
H-821-5473

March 3, 1992

Lawrence Schmidt, Esq.
Zoning Commissioner of Baltimore County
Room 109
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Commissioner Schmidt:

The Board of the West Towson Neighborhood Association has considered case #92-286-A (Item 302) which will come before you on March 16, 1992. We wish you to know that we have no objection to the variance requested.

Yours sincerely,

Richard Parsons
Richard Parsons,
President West Towson
Neighborhood Association

cc: West Towson Neighborhood
Association Board

RECEIVED
MAR 6 1992
ZONING OFFICE

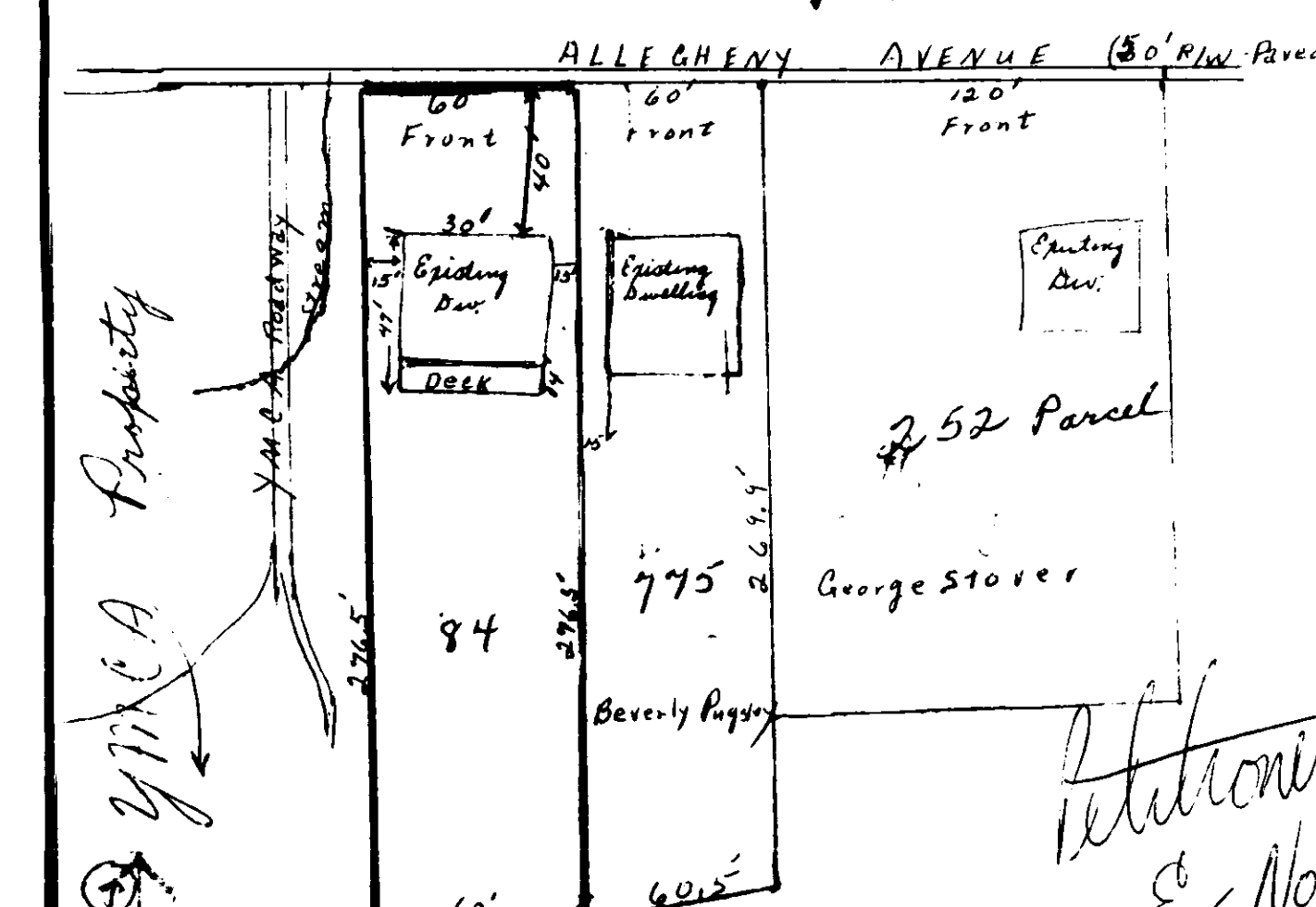


Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 513 Allegany Ave.

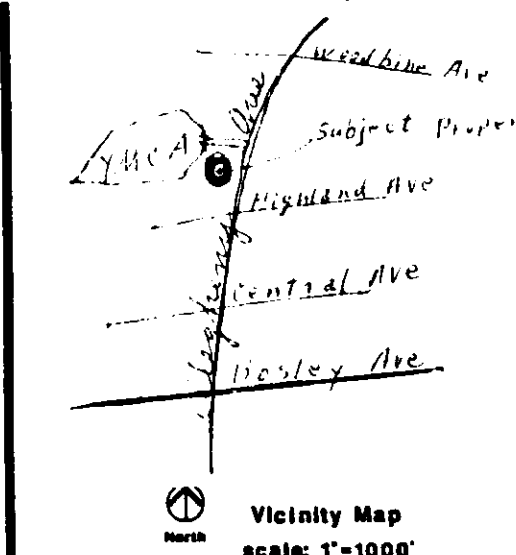
Subdivision name:
plat book # 2125, folio # 2613, lot # 070, section # 84

OWNER: Beverly & Matilda Pugsley



North
date: Jan 13, 1992
prepared by: Matilda Pugsley

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Councilmanic District: 4
Election District: 9
1"-200' scale map: NE 10-A
Zoning: DR 3.5
Lot size: 14,344 sq. ft.

SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings:

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:

302

92-286-A

302

92-286-A

302

92-286-A

302

92-286-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TOWSON

SHEET
N.E.
10-A

